

EXHIBIT 1

Gerald Thompson
November 06, 2024

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 LANDSCAPE CONSULTANTS OF)
5 TEXAS, INC., and)
6 METROPOLITAN LANDSCAPE)
7 MANAGEMENT, INC.,)
8 Plaintiffs,)
9 v.) Civil Action No. 4:23-cv-03516
10)
11 CITY OF HOUSTON, TEXAS,)
12 and MIDTOWN MANAGEMENT)
13 DISTRICT,)
14 Defendants.)

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ORAL VIDEOTAPED DEPOSITION OF

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GERALD THOMPSON

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November 6, 2024

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ORAL VIDEOTAPED DEPOSITION OF GERALD THOMPSON,

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produced as a witness at the instance of the Defendants

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and duly sworn, was taken in the above-styled and

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numbered cause on the 6th day of November, 2024, from

19

10:00 a.m. to 1:33 p.m., before Dawn McAfee, Certified

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Shorthand Reporter in and for the State of Texas,

21

reported by computerized stenotype machine at the

22

offices of Husch Blackwell LLP, 600 Travis Street, Suite

23

2350, Houston, Texas 77002, pursuant to the Federal

24

Rules of Civil Procedure and the provisions stated on

25

the record or attached hereto.

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1 keep doing the work because of the program.

2 Q. Okay. Do you intend to bid for that Field
3 Services Project in the future, if it comes up for bid
4 again?

5 A. Yes, of course. Depending on the -- the
6 minority programs in that.

7 Q. Okay. Was the same Minority, Women, and
8 Disadvantaged Business Program for Midtown applied to
9 the contract for Baldwin and Glover Park?

10 A. I think so. I believe so.

11 Q. And then Metropolitan was awarded that contract
12 even under that program, correct?

13 A. Yes.

14 Q. What do you understand to be the way that
15 Midtown's Minority, Women, Disadvantaged Business
16 Program operates?

17 A. Well, it's different than the City's. There
18 are -- I guess there's a factoring that they use. It's
19 a point system that is weighed against all the other
20 competitors. And you have price. You have reputation,
21 minority contract, if you're a minority. And I believe
22 there was one other. But the minority aspect of the --
23 of the bid gives them a 10 percent advantage before
24 anybody else comes in to bid on that, and that's the
25 disadvantage.

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1 Proposed Approach is 15 points. And Minority Women
2 Disadvantaged Business Enterprises automatically get 10
3 points starting out. So that puts me at a 10 percent
4 disadvantage on the points system.

5 When we got the bid results, we won on
6 Financial Consideration, which is a low-bid contract,
7 which should be the primary objective, which it is
8 because it's weighted so heavily. Organizational
9 Qualifications and References. I'm sure we scored high
10 on that. I was a little surprised at some of the other
11 ones that Midtown had very little working relationship
12 with scored as high as that. And the Proposed Approach,
13 I'm sure we scored high on that because we'd had the
14 contract on and off, and very little problems with the
15 contract over the 15 -- 18 years we've had it, on and
16 off.

17 So, right -- so when this was considered,
18 we had to consider the -- the largeness of the contract
19 and how it was part of our business, eight employees.
20 We had to take -- we took the pricing down in order to
21 compensate for that. But we lost the bid because we got
22 no points for the Minority Program.

23 Q. Your company, in fact, was not the lowest
24 bidder on the project, was it? If you look in the
25 complaint, there's a bid chart that was included in your

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1 certified.

2 Q. Okay.

3 A. And at that time, we weren't running into a lot
4 of contracts that required, you know, using minority
5 subcontractors.

6 Q. Okay.

7 A. So it didn't seem to make sense to go through
8 all that paperwork again for something that wasn't very
9 necessary at the time.

10 Q. And do you recall if you changed your share
11 percentages, you and Theresa, after you were no longer
12 HUB certified by the State of Texas?

13 A. I don't remember that. I don't remember doing
14 that.

15 Q. Okay. Does Theresa currently exercise any
16 day-to-day control over Metropolitan?

17 A. No.

18 Q. All right. So, I believe you testified a while
19 ago that over the last five years, about 10 percent of
20 your income has come from the City of Houston; is that
21 right?

22 A. It's an estimate.

23 Q. Estimate. Sure.

24 A. Wait a minute. Say -- ask that question one
25 more time. I want to make sure I got that right.

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IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
3 LANDSCAPE CONSULTANTS OF)
TEXAS, INC., and)
4 METROPOLITAN LANDSCAPE)
MANAGEMENT, INC.,)
5 Plaintiffs,)
6 v.) Civil Action No 4:23-cv-03516
7)
CITY OF HOUSTON, TEXAS,)
8 and MIDTOWN MANAGEMENT)
DISTRICT,)
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13 ORAL DEPOSITION OF GERALD THOMPSON

14 November 6, 2024

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17 I, Dawn McAfee, Certified Shorthand Reporter
18 in and for the State of Texas, do hereby certify to the
19 following:

20 That the witness, GERALD THOMPSON, was duly
21 sworn by the officer and that the transcript of the oral
22 deposition is a true record of the testimony given by
23 the witness;

24 I further certify that pursuant to FRCP Rule
25 30(e)(1) that the signature of the deponent:

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